

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

PETR MURMYLYUK,

Defendant.

Case No. 2:12-cv-02272-CCC-JAD

**FINAL JUDGMENT ON DEFAULT AND ORDER OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST DEFENDANT PETR MURMYLYUK**

AND NOW, this 30 day of November, 2012, upon receipt and consideration of Plaintiff Securities and Exchange Commission's (the "Commission") Amended Motion for Entry of Default Judgment and the Memorandum of Law in Support of the Motion for Default Judgment filed on October 9, 2012 and the Supplemental Memorandum of Law filed on October 11, 2012 in support thereof, and it appearing that there is no just reason for delay, and finding that there is sufficient basis herein for the entry of this Final Judgment on Default and Order of Permanent Injunction and Other Relief Against Defendant Petr Murmylyuk ("Final Judgment"), the Motion is **GRANTED**.

I.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15

U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$99,400.00, representing ill-gotten gains derived from the conduct alleged in the Amended Complaint, together with prejudgment interest thereon in the amount of \$2,508.19, and a civil penalty in the amount of \$150,000.00 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d), as amended by 17 C.F.R. § 201.1003] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3), as amended by 17 C.F.R. § 201.1003]. Defendant shall satisfy this obligation by paying \$251,908.19 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the Commission's website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying Petr Murmylyuk as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case

identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the assets in the fraudulent account used by Defendant Murmylyuk in perpetrating his fraudulent scheme are a product of his fraud and shall be frozen by TradeStation Securities, Inc. ("TradeStation") immediately upon notice of this Order and transferred to the Commission within 14 days of entry of this Order in the manner described below in partial satisfaction of the amount owed by Defendant Murmylyuk. The fraudulent account is in the name of Dmitry Tokar and bears the account number ****2798.

TradeStation may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the Commission's website at <http://www.sec.gov/about/offices/ofm.htm>. TradeStation may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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identifying information to the Commission's counsel in this action. The Commission shall send
the funds paid pursuant to this Final Judgment to the United States Treasury

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall
retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: Nov. 30, 2012



HON. CLAIRE C. CECCHI
United States District Judge